

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DERRICK HOWARD

PLAINTIFF

VS.

CIVIL ACTION NO. 3:04CV999LS

**COMMISSIONER ROBERT JOHNSON
and CAPTAIN POWELL**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motion that Summons Issue in Regards to Defendant Robert Johnson. The Motion was filed on November 17, 2005, but has only recently come to the attention of the undersigned. The Motion recites that, when Johnson's summons was returned unexecuted, his former employer, the Mississippi Department of Corrections, provided an alternate address. That being the case, the Motion will be granted and the Clerk directed to re-issue summons on Robert Johnson.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion that Summons Issue in Regards to Defendant Robert Johnson is hereby **granted**. The Clerk's office is directed to re-issue summons for Robert Johnson, to be served on him by the United States Marshal at 1060 Beasley Road, Jackson, Mississippi.

IT IS SO ORDERED, this the 9th day of March, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE